

### Remarks

In response to the Restriction Requirement dated December 28, 2006, Applicants hereby elect with traverse **Group I**, claims 74-141 and 144-146, drawn to methods of preparing liposomes containing a nucleic acid encapsulated therein comprising the following steps: mixing a gel or a liquid containing gel particles with aqueous medium Z1 to directly form liposomes, wherein said gel or liquid containing gel particles comprises at least one liposome-forming lipid, at least one fusogenic lipid, a water-miscible organic solvent and the at least one nucleic acid, wherein the at least one liposome-forming lipid and the at least one fusogenic lipid are the same or different. The traversal is to the extent that no undue burden would be required to search all groups of claims.

Applicants further elect Method 142 I(a)(aa) regarding claim 142 for preparing the gel or liquid containing gel particles comprising mixing at least one liposome-forming lipid, the at least one fusogenic lipid, the at least one nucleic acid and a water-miscible organic solvent to form a mixture; and then mixing the mixture of the preceding step with aqueous medium Y and optionally the at least one nucleic acid to form the gel or liquid containing gel particles.

Claims 1, 8, 13, 68, 69, 71, 72, 74, 87, 106, 141, 142, 144, and 145 have been amended to place the claims in accordance with the election of **Group I**. Claims 70 and 143 have been canceled as being drawn to a non-elected invention. The Applicants reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

### Fees

The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, **06-1448**.

### Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,  
Patent Group

Date: June 25, 2007

***Customer No: 25181***

Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210  
Telephone: (617) 832-1000  
FAX: (617) 832-7000

/Michael J. DiVerdi/  
Michael J. DiVerdi, PhD  
Registration No. 51,620  
Attorney for Applicants